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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,458	01/25/2001	Reiner Kraft	ARC920000101US1	3946

26381 7590 07/03/2003  
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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/768,458

Applicant(s)

KRAFT ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-10, 12-29, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,134,534 to Walker et al. Walker et al discloses a conditional purchase offer management method and system for enhancing sales for service providers/sellers (cruise operator or an airlines 120, 130), the system comprising an event retriever (revenue management system 500) the event retriever generating an event pair which comprises a target value and an actual value (col. 13, lines 9-19) associated with demand of services (airline fares); an event observer (CPO management server 200), the event observer receiving the airline fares from the event retriever, calculating a difference between the actual and target values and based on one or more rules of a first set of rules (conditional purchase order parameters; col. 5, lines 20-35), identifying and notifying a window of opportunity detector (airline server 300) regarding potential windows of opportunities; the window of opportunity detector, which receives the potential windows of opportunities, detects, based on one or more rules from a set of second rules (CPO rules col. 5, lines 37-46), if a window of opportunity exists, and if so, matches the windows of opportunities with service providers/sellers for the purpose of enhancing sales (column 10, lines 37-67 and col. 11, lines 1-9).

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Referring to claims 2, 5 and 23, the revenue management system 500 as seen in Fig. 5c, contains databases (1300, 1400) storing initial pricing of a plurality of airline fares, where a threshold or optimum fare is dependent upon allocation and forecasts variables to determine maximum profit based on maximum demand of CPO customers. See column 13, lines 9-35.

Referring to claims 6, 15, 18 and 24, Walker et al (Fig. 19) explains the generation of the second set of rules process 1900 is based on unexpected change in the demand or lack thereof to encourage sales. See column 13, lines 57-67 and column 14, lines 1-2.

Referring to claims 7, 9, 19 and 32, Fig. 8 illustrates a flight schedule database (800), which uses real-time software to update, track, schedule and monitor constant airline traffic. See column 11, lines 43-56.

Referring to claims 8 and 25, the second set of rules is stored in secured databases as shown in Figs. 10-12. See column 10, lines 56-66.

Referring to claims 12, 17 and 27, Walker et al further discloses that the network medium used to transmit data from the server management systems is connected via the Internet. See column 9, lines 6-18.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. Although Walker et al (col. 9, lines 6-18) discloses that the data transmitted between the major components (customer CPU, CPO management server, central reservation system) is encoded data over a number of communication links well known within the art including the internet, Walker et al does not specifically disclose that this data schema is document type definition (DTD) or extensible markup language (XML). It is well known within the art that the wide spread growth of the Internet has yielded a need to create data expansion driven software designed to present increased user-friendly interfaces (i.e. DTD, XML, WML). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to include XML or DTD schema within the system of Walker et al to provide a conditional purchase offer management system including software offering trouble-free business- to- business practicality.

Referring to claim 11, Walker et al discloses that the ROM (420) and data storage device (430) of the central reservation system server operate as the "enhanced gatherer" of information from the service providers/sellers. Walker et al does not disclose that the above components comprise a web crawler. However, it is obvious to one having ordinary skill in the art that the central reservation system components operate to retrieve, interpret and execute data obtained

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from the service providers/sellers achieving the same end result as applicant's web crawler and, since no new or unexpected result is achieved, the components disclosed by Walker et al operates equally as well.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, Murphy et al, Keller et al, Zumel et al, Lefkowitz and DeLa Motte disclose computer implemented systems providing techniques (incentives, coupons, rebates) of a service provider/vendor/seller to enhance selling goods or services to a consumer(s). The above references can be used in combination to anticipate applicant's base claims.

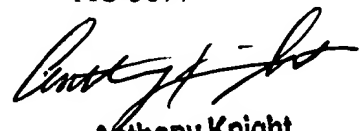
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

ALJ  
June 24, 2003

André L. Jackson  
Patent Examiner  
AU 3677



Anthony Knight  
Supervisory Patent Examiner  
Group 3600